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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,801	03/29/2004	Boris Ginzburg	P-6390-US	9735
49444	7590	04/23/2007	EXAMINER	
PEARL COHEN ZEDEK LATZER, LLP 1500 BROADWAY, 12TH FLOOR NEW YORK, NY 10036			SAMS, MATTHEW C	
		ART UNIT	PAPER NUMBER	
		2617		
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	04/23/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/810,801	GINZBURG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Matthew C. Sams	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 January 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8,11-23,25-34 and 36-42 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8,11-23,25-34 and 36-42 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/30/2007 has been entered.

### ***Response to Amendment***

2. Claims 9-15, 20, 23-27 and 34-38 have been canceled.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 16, 17, 28, 39 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuan et al. (US-2003/0224797).

Regarding claim 1, Kuan teaches a method comprising:

receiving a plurality of nodes reports from a plurality of reporting nodes of a wireless communication system (Page 2 [0028] i.e. "compile a database based on the received transmissions") wherein a nodes report of the plurality of the nodes reports includes node communication related parameters of other nodes of the wireless communication system which are collected by a reporting node; (Page 2 [0030 & 0047] i.e. "node element" and "session element" and Page 4 [Tables 2 & 3]) and

detecting a hidden node by analyzing the node communication related parameters of nodes of the wireless communication system based on the plurality of nodes reports. (Page 6 [0085] i.e. "the detector can scan the channels of the wireless local area network to receive transmissions sent from and received by the station with known or unknown APs", [0090], Table 7 and Page 7 [Claim 1])

Regarding claim 2, Kuan teaches sending a request to generate the nodes report. (Page 3 [0050-0051])

Regarding claim 16, the limitations of claim 16 are rejected as being the same reason set forth above in claim 1.

Regarding claim 17, the limitations of claim 17 are rejected as being the same reason set forth above in claim 2.

Regarding claim 28, the limitations of claim 28 are rejected as being the same reason set forth above in claim 1.

Regarding claim 39, the limitations of claim 39 are rejected as being the same reasons set forth above in claim 1.

Regarding claim 40, the limitations of claim 40 are rejected as being the same reason set forth above in claim 2.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 3-8, 18, 19, 21, 22, 29-33, 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuan in view of Choi (US-6,967,944).

Regarding claim 3, Kuan teaches the limitations of claim 1 above and detecting an unreported node (Page 3 [0050-0051]), but differs from the claimed invention by not explicitly reciting activating a hidden node protection on a reporting node.

In an analogous art, Choi teaches a system and method for increasing link capacity in concurrent wireless local area networks that includes activating a hidden node protection on a reporting node. (Col. 4 lines 43-56 and Col. 5 lines 9-31) At the

time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the method of Kuan after modifying it to incorporate the activation of hidden node protection on a reporting node of Choi. One of ordinary skill in the art would have been motivated to do this since it enables hidden node protection to be directed only to the affected nodes.

Regarding claim 4, Kuan in view of Choi teaches detecting a signal strength below or equal to a threshold; (Choi Col. 5 line 4 through Col. 6 line 3) and activating a hidden node protection mechanism on a reporting node. (Choi Col. 4 lines 43-56 and Col. 5 lines 17-28)

Regarding claim 5, Kuan in view of Choi teaches wherein activating a hidden node protection mechanism comprises:

enabling a request-to-send\clear-to-send (RTS\CTS) control mechanism. (Choi Col. 4 lines 43-56)

Regarding claim 6, Kuan in view of Choi teaches wherein activating a hidden node protection mechanism comprises:

sending a subset of power adjustment commands to a subset of nodes based on the nodes report. (Choi Col. 6 line 57 through Col. 7 line 3)

Regarding claim 7, Kuan in view of Choi teaches wherein activating a hidden node protection mechanism comprises:

enabling a request-to-send\clear-to-send (RTS\CTS) control mechanism. (Choi Col. 4 lines 43-56)

Regarding claim 8, Kuan in view of Choi teaches wherein activating a hidden node protection mechanism comprises:

sending a subset of power adjustment commands to a subset of nodes based on the nodes report. (Choi Col. 5 lines 4-28 and Col. 6 lines 57 through Col. 7 line 3)

Regarding claim 18, Kuan in view of Choi teaches a controller to activate a hidden node protection mechanism. (Choi Col. 4 lines 43-56 and Col. 5 line 9-28)

Regarding claim 19, Kuan in view of Choi teaches wherein the one or more node communication related parameters includes a signal strength indicator and the hidden node detector is able to detect a hidden node by analyzing the signal strength indicator. (Choi Col. 5 line 4 through Col. 6 line 23)

Regarding claim 21, the limitations of claim 21 are rejected as being the same reason set forth above in claim 5.

Regarding claim 22, the limitations of claim 22 are rejected as being the same reason set forth above in claim 6.

Regarding claim 29, Kuan in view of Choi teaches the access point is able to activate a hidden node protection mechanism to protect the station from transmissions of the hidden node. (Choi Col. 4 lines 43-56 and Col. 5 line 9-28)

Regarding claim 30, Kuan in view of Choi teaches the communication related parameters comprises a signal strength indicator of the plurality of nodes and the access point is able to detect a hidden node by analyzing said signal strength indicator. (Choi Col. 5 line 4 through Col. 6 line 23)

Regarding claim 31, Kuan in view of Choi teaches wherein the access point is able to detect a hidden node by detection of an unreported node at the nodes report. (Kuan Page 6 [0085], [0090], Table 7, Page 7 [Claim 1] and Choi Col. 5 lines 4-60)

Regarding claim 32, the limitations of claim 32 are rejected as being the same reason set forth above in claim 5 & 7.

Regarding claim 33, the limitations of claim 33 are rejected as being the same reason set forth above in claim 8.

Regarding claim 41, the limitations of claim 41 are rejected as being the same reason set forth above in claim 3.

Regarding claim 42, the limitations of claim 42 are rejected as being the same reason set forth above in claim 4.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-8, 11-23, 25-34 and 36-42 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew C. Sams whose telephone number is (571)272-8099. The examiner can normally be reached on M-F 7:30-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MCS

4/16/2007



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